IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No. 4758 of 2005

Ramdas S Dongare . petitioner

vs

The Chairman Scrutiny Committee

for Scrutiny of Tribal Claims

Dist Pune and ors.. respondents

Mr K.H.Chopda for petitioner

Mr. C.R.Sonawne AGP for State

N V Masurkar with Mr Tripathi for respondent nos. 2 and 3

CORAM;A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 3.8.2005

P C:

Heard the learned counsel for the parties. Perused the record including the order of the Scrutiny Committee. It is seen from the order that the petitioner has submitted in all 2l documents in support of his caste claim,however,he had not furnished any basic documentary evidence such as extract of birth register or extract of school general register pertaining to his parents from which tribe claim could have been verified.

The Scrutiny Committee therefore conducted home and school inquiry with the help of Police Inspector, vigilence cell and obtained school and birth records from the concerned authorities wherein the caste of the petitioner's father and his blood relation is clearly shown as Hindu Koli and this record pertains to the period prior to the passing of the first Presidential Order of l950 specifying the Scheduled Tribe. Koli is a caste which is included in the list of Other Backward Classes and Special Backward Classes of Maharashtra State whereas Mahadeo Koli is a tribe included in the list of Scheduled Tribes at Srl No.9. Koli and Mahadeo Koli are altogether different communities having no socio-cultural and ethnic relations whatsoever with each other.

2. The Scrutiny Committee has also verified the tribe claim of the petitioner with reference to trait, characteristics and customs of the community claimed and observed as under:

> "The applicant has submitted the following information regarding their community.
>
> 1. Traditional occupation of

their family is agriculture.

2. Khandoba, Mandhardevi, Maruti, Marlal etc. are deities of their family as well as community people.

3. The surnames of their relatives and people belonging to their community are Misal, Darekar, Chivhe, Borane, Ranjane, Pawar, Kondke, Bhagat etc.

4. He is not aware about the Waghbaras, Gaonbaras, Padkal, Sath etc. which are prominent features of the Mahadeo Koli, Scheduled Tribe community.

In brief whatever the information furnished by the applicant are not associated to Mahadeo Koli, Scheduled Tribe community. On the other hand, this information is established his affinity with the Koli caste."

3. The finding of fact recorded by the Scrutiny Committee cannot be said to be illegal or perverse. The petitioner has failed to make out any ground for interference with the impugned order of the

Scrutiny Committee. Petition is dismissed.